



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
South Central Region

Miami Office
P.O. Box 520617
Miami, FL 33152-0617

July 20, 2010

Via Certified Mail:

Sling Broadband, LLC
Miami, Florida

**NOTICE OF UNLICENSED OPERATION AND
NOTIFICATION OF HARMFUL INTERFERENCE**

Case Number: EB-10-MA-0111
Document Number: W201032600061

On June 9, 2010, in response to a complaint from the Federal Aviation Administration ("FAA"), agents from the Enforcement Bureau's Miami Office confirmed by direction finding techniques that radio emissions on frequency 5.650 GHz were emanating from a radio transmitter device located on antenna structure #1028046 in Miami, Florida. These transmissions were interfering with the FAA's Terminal Doppler Weather Radar ("TDWR") serving the Fort Lauderdale-Hollywood International Airport. The device in use was the Rocket M5 model manufactured by Ubiquiti Networks with FCC ID SWX-M5 ("Ubiquiti Rocket M5"). On June 11, 2010, an agent contacted your CTO (Managing Partner) about your transmissions on 5.650 GHz. The agent confirmed that the interference to the TDWR ceased when your Ubiquiti Rocket M5 device was tuned to a different frequency.

Radio stations must be licensed by the Federal Communications Commission ("FCC") pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* Nonlicensed operation pursuant to Part 15 of the FCC's rules, however, is conditioned upon compliance with all applicable regulations in the subpart, 47 C.F.R. § 15.1(b). All intentional radiators operating pursuant to Part 15 of the FCC's rules must be certified for use as a Part 15 device, 47 C.F.R. § 15.201(b).

The Ubiquiti Rocket M5 device is not authorized for use on frequency 5.650 GHz.¹ Accordingly, your operation of the Ubiquiti Rocket M5 device on frequency 5.650 GHz does not comply with the requirements of Part 15 of the FCC's rules² and should therefore be licensed by

¹ According to its equipment authorization, FCC ID SWX-M5, the Ubiquiti Rocket M5 device is authorized pursuant to Section 15.247 of the FCC's Rules to operate only in the 5745 to 5825 MHz band. *See* 47 C.F.R. § 15.247.

² On June 11, 2010, your CTO (Managing Partner) admitted that the dynamic frequency selection ("DFS") functionality on your Ubiquiti Rocket M5 device was disabled. If the Ubiquiti Rocket M5 had been authorized as an

the FCC. The FCC has no record of a license being issued to you to operate a transmitter on 5.650 GHz from your location. Thus, your operation was in violation of 47 U.S.C. § 301.

Nonlicensed operation of a radio transmitter is also subject to the condition that it must not cause harmful interference and, if harmful interference occurs, operation of the device must cease. *See* 47 C.F.R. § 15.5. Harmful interference is defined as “[a]ny emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radio communications service.” *See* 47 C.F.R. § 15.3(m).

You are hereby notified that the Ubiquiti Rocket M5 device operating on 5.650 GHz was causing harmful interference to the TDWR that serves the Fort Lauderdale-Hollywood International Airport.

You are also hereby warned that operation of radio transmitting equipment without a valid radio station authorization, including the use of certified equipment on unauthorized frequencies, and/or operation of otherwise authorized equipment that continues to cause harmful interference after your receipt of this warning, constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*See* 47 U.S.C. §§ 401, 501, 503 and 510).

**UNLICENSED OPERATION ON FREQUENCY 5.650 GHz MUST NOT RESUME.
NONLICENSED OPERATION OF A PART 15 DEVICE MAY NOT RESUME UNLESS YOU
ARE IN FULL COMPLIANCE WITH PART 15 OF THE FCC’S RULES.**

You have ten (10) days from the date of this notice to respond with any evidence that the transmitter you are using is certified for use as a Part 15 device to operate on 5.650 GHz. Your response should also describe the steps you are taking to ensure that your operation does not interfere with the TDWR that serves the Fort Lauderdale-Hollywood International Airport, as well as any TDWR serving any other airport. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the FCC’s staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Stephanie Dabkowski
Resident Agent
Miami Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended

Unlicensed National Information Infrastructure (U-NII) device to operate on frequency 5.650 GHz, DFS would have been required to be employed. *See* 47 C.F.R. § 15.407(h)(2). Thus, even if the Ubiquiti Rocket M5 device had been certified as a U-NII device, your operation would not have been in compliance with Part 15 of the Rules.